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Remarks

Reconsideration of the application is respectfully requested. Claims 1-20 are pending.

Applicant's arguments presented below focus on certain patentable differences between the invention as claimed and the applied references. However, it is not to be inferred that the failure to argue all differences between the claimed subject matter and the applied references constitutes acceptance of assertions made in the Office Action of alleged similarities between elements of the claimed subject matter and the applied references.

Claim Rejection - 35 U.S.C. §103 specifically of claims 8, 9:

Claims 8 and 9 were rejected under 35 U.S.C. §103 as being unpatentable over Michael (U.S. 2004/0170263) in view of Sun (US 2005/0190744). This rejection is respectfully traversed.

In the rejection of claims 8 and 9, as well as the rejection of claim 1, the rejection was stated as being under 35 USC 103 but the word of art "anticipated" was utilized in the statement of the rejection. This is believed to have been an oversight and that the intent of rejection is directed to obviousness under 35 USC 103 in view of the reliance on two references.

Claim 8:

Claim 8 is dependent on claim 1 and hence the limitations contained in claim 1 as well as the limitations in dependent claim 8 must be met by the applied references with regard to the rejection of claim 8.

In one of the limitations of claim 1, the presence server determines a presence state of a PSTN subscriber associated with at least one of the telephone lines based on the call event information where the call event information defines both when the one telephone line is available and is not available to receive a call.

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It is believed to be clear that the method taught by Michael does not teach the use of call event information that defines when a telephone line is available to receive a call, i.e. the phone associated with this telephone line is on-hook. The prior art described in the Background of the Invention section of Michael describes that prior presence status systems require that users had to be logged into the presence monitoring system in order for the user's status to be determined. The improvement of Michael is directed to a presence server which can determine presence information about a calling party in the telephone system where the calling party need not be logged into the presence system; see paragraphs 3 and 7. A telephone routing system maintains a list of watched users and provides an indication to the presence database manager when a phone call originates from such a user; see paragraph 8.

One of ordinary skill the art would understand the teachings of Michael is directed to determining when a watched user, not logged into the LAN system, is not available to receive a call due to the user being engaged in a call originated by that user. However, one of ordinary skill in the art would also understand based on the teachings of Michael that call event information associated with the telephone line of such a watched user is not available to determine the presence state of the user when the watched user is not currently engaged in a call. That is, the status for such a user who is not engaged in an ongoing call would not be known to the presence server of Michael since the telephone routing system in Michael only collects information triggered by the watched user being engaged in a call. It is clear that the method according to Michael relies upon the calling party identification (CID) associated with a user originating a telephone call in order to obtain presence information for users not logged in to the LAN system; see FIG. 4, step 410. One of ordinary skill in the art will understand that CID information will not be present for a user in Michael except when the subject user initiates a call during which the CID of that user is made available as part of the call setup process. Therefore, Michael does not teach the limitation of claim 1 in which the call event information defines **both** when the telephone line is **available and is not available to receive a call.**

A user cannot logically be determined to be available to receive a call merely based on the lack of presence information such as provided by Michael when a user is not currently engaged in a call. For example, a user in Michael associated with a telephone line lacking presence

information may not be physically present at the telephone connected to the telephone line, and hence the lack of presence information indicating that the user is not available to receive the call does not logically equal the user being available to receive the call. Alternatively, such a user's telephone may be, intentionally or unintentionally, off-hook, but with the telephone not engaged in a call with another party. In this case, the user will not be able to receive a call, but in accordance with the method of Michael there will be no presence information with regard to this user since an ongoing telephone call is not present. Thus, Michael does not teach the limitation of claim 1 in which the call event information is required to define when the telephone line is available to receive a call.

This subject limitation is alleged to be taught by Michael relying on:

"FIG. 2.206; paragraph 34; paragraph 36 which indicates a call can be intercepted and rerouted based upon presence information and other rules"

FIG. 2.206: FIG. 2 is described in paragraph 21. With regard to step 206, "User Logs Into or Uses Monitored System", an example of the use of the system is explained. In the example, when Juliet makes a phone call received at the routing system 1116 that identifies the calling party (Juliet) and provides this information to the dynamic presence proxy 1114, which updates the log in parties' presence at step 208. Although Juliet is not logged in to the presence system, the presence server unit 1104 updates the presence information to indicate that Juliet is on the phone. It will be noted that as per Michael, if Juliet is not in a phone call with another party, presence information about Juliet is not available to the presence server.

Paragraph 34: This paragraph merely describes that the presence server and/or the dynamic presence proxy could be implemented in various units. It provides no teaching or suggestion with regard to the methodology by which presence status information is determined.

Paragraph 36: This paragraph states that in progress calls can be intercepted including directing such calls to alternate destinations. It also states that module 220 can monitor and report the progress of calls. This teaching is consistent with the explanation provided above with regard to

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the method of Michael, i.e. present status is provided by Michael for users not logged into the LAN system only when an ongoing telephone call has been originated by the user.

Each of the sections of Michael cited in the Office Action as supplying the subject teaching has been analyzed; see above. None of these sections teach the subject limitation in claim 1 in which the present state of a PSTN subscriber is based on call event information that defines **both when** the telephone line **is available and is not available** receive a call. Therefore, since Michael does not provide a teaching of the subject limitation and since Sun is not relied upon with regard to the subject limitation, the 35 USC 103 rejection of claim 8 is not supported and is requested to be withdrawn.

Dependent claim 8 itself requires that the first messages received are in a PSTN compatible protocol and are transmitted on every occurrence of the one of the telephone lines changing from one presence state to another presence state. Dependent claim 9 further recites that the first messages are obtained by the PSTN switches and are transmitted on every occurrence of the one telephone line changing from one presence state to another presence state.

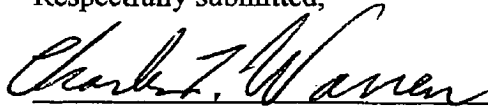
The requirement that the first messages are transmitted on every occurrence of the one telephone line changing from one presence state to another presence state is alleged in the Office Action to be taught by Michael at FIG. 2.206, 208. The cited sections of Michael do not support a teaching of the subject limitation. Step 206 states "User Logs into or Uses Monitored System". This step is explained above. Step 206 does not state that messages are transmitted for every occurrence of one telephone line changing from one presence state to another presence state. Further, the explanation of the actual method used in Michael, as explained above, teaches that presence state information is only provided from the telephone system for users originating telephone call based on the CID identification of the calling party. Clearly, this does not support a teaching of the generation of messages for every occurrence of the phone line changing from one presence state to another presence state. Likewise, step 208 states "DPP Distributes Presence Updates to Watchers". This clearly does not teach the subject limitation. In fact, step 410 further explains the functioning of step 208 in which the DPP compares the calling party ID (CID) with the identifications in the system user's list. This confirms that the explanation provided herein of the

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method as actually taught by Michael is correct, i.e. messages are not generated based on every occurrence of a telephone line changing from one presence state to another presence state. Since the sections in Michael relied upon as teaching the subject limitations do not in fact teach the limitations in claim 8 and 9, prima facie grounds required to support the 35 USC 103 rejection of claims 8 and 9 have not been established. Withdrawal of the 35 USC 103 rejection of claims 8 and 9 is requested.

If a telephone conference would be of assistance in advancing the prosecution of this application, the Examiner is invited to call applicants' attorney.

Respectfully submitted,



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